author's first two chapters in which he deals, in Chapter 1, with the definition of "Agent" and compares an agent with other persons in similar positions, and Chapter 2, on "The Agent's Authority," in which he deals with the various types of authority, express and implied, usual authority and with the basis of the principal's liability for unauthorized acts. This is a branch of the law where liability often, lamentably, depends upon definition. Lamentably because liability can become lost in words and instead of flowing from the social consequences of particular acts becomes dependent on a preliminary classification. Still, while this occurs a careful analysis is invaluable to those who must make it.

The author has been most zealous in the quest for authority both in the form of reported decisions and articles in periodicals. He supplements the more obvious local sources by drawing on the Restatement, United States, Dominion authorities and the less widely read English reports. Of particular interest, for example, was his citation of the decision in *J. S. Holt and Mosely (London) Ltd. v. Sir Charles Cunningham and Partners* (1949) 83 Ll.L. Rep. 141 of Prichard J. that there is no longer any legal presumption that an agent who contracted within the jurisdiction on behalf of a foreign principal had no authority and was therefore personally liable. Although this proposition is generally accepted this obscurely reported case is the only direct pronouncement on the point.

The book may well become a legal classic.

P. A. WILSON

Legal Controls of International Conflict, by Professor JULIUS STONE, LL.M. (Leeds), S.J.D. (Harvard), B.A., D.C.L. (Oxford). (Maitland Publications Pty. Ltd., Sydney, 1954), pp. lv, 851. Price £5 5s.

Professor Julius Stone, Challis Professor of International Law and Jurisprudence at Sydney University, had so far been best known in the world of legal scholarship for his great jurisprudential opus, "The Province and Function of Law". His new book, "Legal Controls of International Conflict", shows him a master in another field, that of public international law. To say that this is a handbook of that part of international law which, following the classical dichotomy into the Law of Peace and the Law of War, deals with the latter would be quite inadequate. For a considerable portion of the book is devoted to international disputes short of war, the settlement of disputes, and measures for the enforcement of peace: in short, that part of international law which is of such special importance in the present cold-war era.

This book is of first-rate importance for a number of reasons. Despite the great number of monographs and articles on various topics of international law, there exists in English legal literature a dearth of up-to-date general treatises or handbooks on international

law. In fact, Lauterpacht's editions of Oppenheim's textbook enjoy an almost monopolistic position. The need for new blood, new views, has been apparent for some time, particularly in the field where the changes have been greatest, i.e. in the law dealing with disputes. Professor Stone has shown many of the new problems in this field in a new light.

Of particular topical interest to readers will be Chapters VIII and IX of Book II, in conjunction with Discourses 9-14. Professor Stone deals here with voting procedure in the U.N. Security Council (the "Big-Power Veto"), the effect the Soviet boycott of Council sessions had on resolutions in the crucial period of North Korea's aggression, and finally the various new ways which have been devised to overcome the Security Council deadlock. It is here too that the learned author deals with the legal basis of the Western defence pacts, such as NATO and ANZUS, and the type of security system sponsored by the Soviet. Professor Stone's arguments are always forceful and are bound to exert considerable influence.

Professor Stone joins the rank of other international law experts who saw both the League of Nations and the U.N. at work, in judging—in the reviewer's opinion, rightly—the "weak" League system in many ways superior to that of the U.N. The more ambitious U.N. scheme is based on Big Power unanimity, and failing this, leads to its own extinction through the various "escape clauses", as the learned author aptly calls them.

In his Chapter dealing with the Law of War and Neutrality Professor Stone makes out a strong case for a revision of the rules of warfare, most of which are still based on pre-World War I conventions. In the reviewer's opinion, it would be necessary to overcome opposition from two quarters: those who insist on the illegality of all wars and would see in new rules of warfare only an encouragement to new wars, and the cynics who will say that in any case only fear of retaliation will make a nation in wartime refrain from breaking whatever rule of warfare may exist. Yet, experience should have shown that while wars have never yet been effectively abolished, agreed rules of warfare have within limits been beneficial, in particular to the civilian population.

The book contains a great wealth of well-selected bibliographical material, not only from Anglo-American sources, but from Continental sources as well. The number of printing errors, even in foreign language quotations, is negligible.

It can be expected that *"Stone on Conflict"* will become a "necessary" not only for the academic teacher and student, but also for all those concerned with the conduct of international affairs and the problems of international law.

J.L.

The Queen's Peace. The Hamlyn Trust Lectures 1953. SIR CARLETON KEMP ALLEN, Q.C. F.B.A. Fellow of University College, Oxford. Stevens and Sons Ltd., London, 1953. Pp. i-xi, 1-192. price (Aust.) 17s. 9d. The Law Book Co. of Australasia Pty. Ltd.

In this little book are reprinted the lectures delivered in Wales last year under the terms of the Hamlyn Trust by Sir Carleton Kemp Allen, one of the most eminent of "Australians abroad".

The Hamlyn Trust was established under the Will of the late Miss Emma Hamlyn, and the purpose of the Trust, as it appears in the scheme approved in 1948, is "the furtherance . . . among the Common People of the United Kingdom . . . of the knowledge of the Comparative Jurisprudence and the Ethnology of the chief European countries, including the United Kingdom, and the circumstances of the growth of such jurisprudence to the intent that the Common People of the United Kingdom may realise the privileges which in law and custom they enjoy in comparison with other European Peoples and . . . may recognise the responsibilities and obligations attaching to them." The Hamlyn Lecturer, therefore, must face problems both of subject-matter and presentation. His lectures must be designed primarily for a lay audience, and yet must be sufficiently detailed and sufficiently analytical to fulfil the quite formidable—and perhaps question-begging—requirements of the Hamlyn scheme.

Sir Carleton Allen chose a subject which enabled him to meet these requirements admirably. He adopted, for the most part, the method of historical summary; the range of his survey was remarkable, but his judgment in matters historical, his great analytical powers and the ease of his style saved his lectures from what might so easily have been a tendency to scrappiness.

As printed, his lectures on "The Queen's Peace" fall into five chapters (a foreword tells us that four lectures were actually delivered).

In his first chapter he discusses Anglo-Saxon England, where the King was not the "foundation of Justice" (in the later sense of the phrase), where local jurisdictions were powerful, and where there was no comprehensive "peace". His second chapter traces the systematisation of law and the centralisation of justice that followed the Norman Conquest, the establishment of the "King's Peace" as the foundation of the criminal law of the land—and, indeed, not only of the criminal law, because, as Sir Carleton Allen shows, it greatly influenced the civil law through the concept of trespass.

At this point, Sir Carleton Allen digresses a little to explore what he calls "The Byways of the Peace": historical curiosities in the main, but not unimportant because of the light they throw on stages of our legal and social development—the "ex officio" criminal information, the private criminal information, forcible entry, rout

and riot, maintenance and champerty, barratry, the sureties of the peace.

We return to our main theme in chapter four, entitled "Officers of the Peace". Here are discussed the attempts of the English to make themselves a law-abiding people—and how difficult that task has been! The group organisations of Anglo—Saxon times (bohr, tithing and hundred), the post-Conquest frankpledge, the "liability of the hundred", "hue and cry", the assize of arms, watch and ward, the approvers and common informers—none of these achieved lasting success, and the Eighteenth Century saw English crime in its heyday. But the turning point was at hand, and that turning point—"strangely neglected by most of our social historians" (p. 107)—was Peel's establishment of the modern police force. By the end of the Nineteenth Century "the citizen enjoyed a greater sense of security than ever before in our history." (p. 113). What is the secret of the success of the English police? Sir Carleton Allen believes it lies in the fact that they are "kin-police" as distinct from "ruler-appointed police", and in the firmly established principle that they are purely executive officers.

In his final chapter, Sir Carleton Allen discusses "The Keepers of the Peace", tracing from the conservators, wardens and keepers of the peace of the Twelfth Century (who were primarily administrative officers) the emergence of that body of lay justices of the peace which has played such an important part in the administration of justice in England. Justices in Quarter Sessions of county and borough had their statutory origin in the Fourteenth Century, and their jurisdiction was wide and indefinite. By Coke's day, justices were issuing warrants for arrest and examination. In Tudor and Stuart times statute after statute added to their administrative duties. The Sixteenth Century saw the development of the practice of assigning to justices "out of sessions" most of their ancient and important functions. The Eighteenth Century justices, and in particular the squire-justices of the country, were a class of substance, assuming wide and often arbitrary power; the corruption of the London magistracy of the period was an open scandal. G. M. Trevelyan has written: "In the Eighteenth Century the Justices of Peace might rather have been said to control the Central Government through the grand national Quarter Sessions of Parliament, than to be under any central control themselves." To this situation also the Nineteenth Century brought reform. The nucleus of a paid magistracy was formed, borough and county politics were separated from borough and county justice (the Acts of 1835 and 1888), and different provision was made for the administration of the Poor Law. Courts of Petty Sessions were put on a statutory basis in 1849, and summary jurisdiction and the procedure for preliminary examination were regulated. But these reforms did not mean a lessening in importance of the Justices of the Peace, because they

were contemporaneous with the assignment to them of many new areas of duty, of which perhaps the most important were the maintenance jurisdiction, road traffic regulation and jurisdiction over children and young persons.

"The result is," Sir Carleton Allen concludes, "that today some 16,000 citizens (a quarter of them women), the vast majority of them without any legal knowledge or training, administer the greater part of criminal jurisdiction and a small, but not unimportant, part of civil jurisdiction. This is, calmly considered, an astonishing spectacle in a country which is jealous of the integrity of its justice, and it is the wonder of all foreigners, for nothing like it exists in any other part of the world" (p. 178). Sir Carleton Allen could perhaps have spent more time discussing the merits and demerits of this remarkable system; he contents himself with warning against the dangers of overloading it and suggesting that in the interests of the magistrates themselves their matrimonial jurisdiction should be removed from them; he concludes, quite properly of course, that the system "works".

And at this point Sir Carleton Allen ends his survey. As Hamlyn Lecturer he must, however, point the moral which the Hamlyn Trust so clearly implies, and he does so concisely and gracefully: "the Queen's Peace has become the People's Peace . . . each of us is a trustee of that 'peace-and-quiet' which is all men's desire, and no small part of our national future depends on how we discharge our trust. *Pax nobiscum.*" (p. 183).

R.L.S.